

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

VINCENT JESTER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:19-cv-05735-WMR
)	
EMERSON CLIMATE)	
TECHNOLOGIES, INC.; <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS’ MOTION TO EXCLUDE
TESTIMONY OF B. DON RUSSELL, JR.**

Defendants Emerson Climate Technologies, Inc. and Emerson Electric Co.¹ move the Court to strike and exclude the report and testimony of Plaintiff’s purported expert, B. Don Russell, Jr. (“Russell”) under Fed. R. Evid. 401, 403 and 702. As explained more fully in the supporting Brief filed herewith, Russell’s opinions (1) are not reliable, (2) would not be helpful to the trier of fact, and (3) lack a factual foundation. Further, several of Russell’s opinions also are in the form of

¹ Emerson Electric Co. is designated in Plaintiff’s First Amended Complaint for Damages as “Emerson Electric Co. d/b/a Fusite.” Fusite is a division of Emerson Electric Co.

inadmissible legal conclusions while others are the product of either an unreliable methodology or no methodology at all.

WHEREFORE, Defendants request that the Court strike and exclude the report and testimony of B. Don Russell, Jr.

Respectfully submitted this 30th day of September 2021,

/s/ Christopher C. Yearout

Adam K. Peck (*Pro Hac Vice*)

Melody H. Eagan (*Pro Hac Vice*)

Christopher C. Yearout (*Pro Hac Vice*)

LIGHTFOOT, FRANKLIN & WHITE, LLC

400 20th Street North

Birmingham, AL 35203

Telephone: (205) 581-0700

apeek@lightfootlaw.com

meagan@lightfootlaw.com

cyearout@lightfootlaw.com

/s/ Anna Green Cross

Darren Summerville

Anna Green Cross

THE SUMMERVILLE FIRM, LLC

1226 Ponce de Leon Ave., NE

Atlanta, Georgia 30361

Telephone: (770) 635-0030

darren@summervillefirm.com

anna@summervillefirm.com

*Attorneys for Defendants Emerson Climate
Technologies, Inc. and Emerson Electric Co.*

FONT CERTIFICATION

Pursuant to LR 5:1(c), I hereby certify that I prepared this document in 14 point Times New Roman font and complied with the margin and type requirements of this Court.

LIGHTFOOT, FRANKLIN & WHITE, LLC

/s/ Christopher C. Yearout

Christopher C. Yearout

400 20th Street North
Birmingham, AL 35203

*Attorney for Defendants
Defendants Emerson Climate Technologies, Inc. and
Emerson Electric Co.*

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September 2021, I electronically filed the foregoing via the CM/ECF system, which will send notice of such filing to all counsel of record as follows:

Mark Link, Esq.
LINK & SMITH P.C.
2142 Vista Dale Court
Tucker, GA 30084
link@linksmithpc.com

Maha Y. Amircani, Esq.
AMIRCANI LAW LLC
1201 Peachtree Street, NE
Suite 200
Atlanta, GA 30361

/s/ Christopher C. Yearout
OF COUNSEL